

### III. REMARKS

Claims 1-9 are pending in this application. By this amendment claims 1 and 2 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed.

Furthermore, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is requested.

In the Office Action, claim 2 is objected to because of some informalities based on certain limitation(s) in the claim. Applicant has clarified claim 2 so as to address the objection. Accordingly, Applicant request withdrawal of the objection.

In the Office Action, claim 4-6 and 8 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. While Applicant gratefully acknowledges the indication of allowable subject matter, Applicant contends that based on the remarks herein (below) that independent claim 1 is in condition for allowance. As such, any modifications to dependent claims 4-6 and 8 are unnecessary. Accordingly, Applicant requests withdrawal of the objection.

In the Office Action, claims 1 and 9 are rejected under 103(a) as allegedly being unpatentable over Easton *et al.* (U.S. Pat. No. 6,985,516), hereinafter “Easton”, in view of El-Tarhuni *et al.* (U.S. Pat. 6,201,828), hereinafter “El-Tarhuni”. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Easton in view of El-Tarhuni and further in view of Aue (US Pat. App. Publ. No. 2002/0051486), hereinafter “Aue”. Claim 7 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Easton in view of El-Tarhuni,

further in view of Aue and further in view of Bultan et al (US Pat. App. Publ. No. 2004/0057506), hereinafter “Bultan”.

Applicant respectfully submits that all claims are allowable over the cited art. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP 706.02(j).

Applicant traverses the rejections for the following reasons.

With regard to claims 1-3, 7 and 9, Applicant respectfully submits that Easton does not teach or suggest all the claim limitations. For example, Easton does not teach or suggest, “receiver further comprising code generation means for generating a filtered pilot code that provides a multibit interpolation of a generated pilot code **prior to the parallel signal paths,**” (emphasis added)(See Claim 1 as amended). In fact, Easton merely discloses a pilot filter 436 which is within *each* data finger (i.e., data correlator 410). *See e.g.*, Figure 4. As discussed in the last two paragraphs in column 9 of Easton, the block diagram 400 in Figure 4 shows only a single correlator 410 for simplicity purposes only; but, Easton clearly states that a plurality of correlators 410, or rake fingers, and its concomitant elements (i.e., including pilot filter 436) would be provided with a rake receiver. Thus, the system in Easton clearly employs individual pilot filters within each and every rake finger. Conversely, as Figure 2 of the instant invention shows, the generated filtered pilot code is provided by, for example, a single digital filter 60 that is clearly located *prior* to the parallel signal paths (e.g., rake fingers RF1, RF2, ... RFN). “Rake

receiver includes a digital filter 60 for interpolating the pilot code from the source of pilot code 30 prior to it being applied to the fixed delay stage 32.” See ¶0024. Further, El-Tarhuni does not remedy this glaring deficiency in Easton.

Second, there is no motivation to make the combination of Easton and El-Tarhuni. In particular, there is no suggestion or motivation in Easton that would indicate why it would be obvious for one of ordinary skill in the art to combine the variable delay 102 within a despreader, of Tarhuni, as allegedly being “the signal processing means in each of the parallel signal paths comprising a variable delay means for delaying a signal in that path by a desired amount and a means for correlating the delayed signal **with the filtered pilot code**” (emphasis added) into the apparatus for processing a received signal in a communications system of Easton. As discussed above, none of the prior art references teach, *inter alia*, the type, way, and location of generating a filtered pilot code, as in claim 1. As discussed herein, because the pilot filter of Easton does not anticipate the claimed invention, it is even further unapparent that bringing the alleged combination of the type and location of the variable delay 102 of El-Tarhuni would be even technical operable with the pilot filter of Easton. Therefore, it is also not obvious to combine El-Tarhuni with Easton as the Office alleges in Office Action.

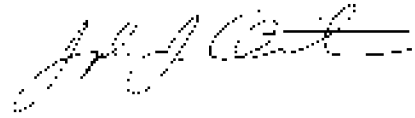
Accordingly, Applicant submits that the Office has not met its burden in establishing a *prima facie* case of obviousness with regards to claims 1-3, 7 and 9. Applicant respectfully requests withdrawal of the rejection.

#### IV. CONCLUSION

In light of the above remarks, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application

in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. J. Christian", written over a horizontal line.

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